

REMARKS

Applicants appreciate the thorough examination of this application as evidenced by the Final Office Action, and appreciate the Examiner's indication that Claims 37, 39, 41, and 43 would be allowable if rewritten in independent form including all of the recitations of the base claim and any intervening claims. To place the application in condition for immediate allowance, independent Claims 2, 6, 13, and 22 have been amended to include the recitations of Claims 37, 39, 41, and 43, respectively, and Claims 37, 39, 41, and 43 have been canceled without prejudice to the filing of any continuation applications.

Claims 38, 40, 42, and 44 have been amended to remove the term "substantially" so as to overcome the rejection under 35 U.S.C. Sec. 112, second paragraph. Applicants note that Claims 38, 40, 42, and 44 define a relative alignment of the center of the top electrode relative to the center of the facing surface of the vertical portion of the bottom electrode. In contrast, Claims 2, 6, 13, and 22 define a relative alignment of the tip of the top electrode, which is not necessarily aligned with the center of the top electrode, relative to the facing surface of the vertical portion of the bottom electrode.

Accordingly, Applicants respectfully submit that all of the rejections have been overcome and request withdrawal thereof and allowance of the application.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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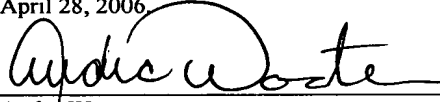
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2006.



Audra Wooten